

ASSEMBLY BILL

No. 365

Introduced by Assembly Member Cristina Garcia

February 17, 2015

An act to add Section 3012 to the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 365, as introduced, Cristina Garcia. Child custody proceedings: testimony by electronic means.

Existing law authorizes the court in a child custody proceeding to permit testimony by telephone, audiovisual means, or other electronic means when a witness or party resides in another state. Existing law requires a court to permit a party to present testimony and participate in court-ordered child custody mediation by electronic means when the party's military deployment has a material effect on his or her ability to appear in person, to the extent that this technology is reasonably available to the court and protects the due process rights of all parties.

This bill would require the court in a child custody proceeding to allow any party to present testimony and evidence and participate in court-ordered child custody mediation by electronic means, including telephone, video conferencing, or the Internet, consistent with the due process rights of all parties.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3012 is added to the Family Code, to
2 read:

3 3012. In a proceeding to determine the custody of a minor
4 child, the court shall, upon the request of a party, allow the party
5 to present testimony and evidence and participate in court-ordered
6 child custody mediation by electronic means, including, but not
7 limited to, telephone, video teleconferencing, or the Internet,
8 consistent with the due process rights of all parties.

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